IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. CRIMINAL ACTION NO. 5:15-cr-00208

JOHN SAMUEL LOWE, JR.,

Defendant.

ORDER

Pursuant to 28 U.S.C. §636(b) and by consent of the parties, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for purposes of the Defendant entering a plea of guilty. (Document 2). At the plea hearing held on October 19, 2015, the Defendant voluntarily waived his right to have an Article III Judge preside over his guilty plea, instead proceeding in front of Magistrate Judge VanDervort.

In accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule of Criminal Procedure 59.4(d), the Magistrate Judge prepared a *Proposed Findings and Recommendation Concerning Plea of Guilty in Felony Case* (PF&R) (Document 9) for this Court's review. Therein, the Magistrate Judge recommends that the Court find that the Defendant made a knowing, voluntary, and intelligent waiver of his right to proceed by indictment; that there is a sufficient factual basis for his plea of guilty; that his plea was knowing and voluntary; and that he understood the rights he was giving up by pleading guilty. He further recommends that the Defendant be adjudged guilty of the one felony and one misdemeanor charge contained in the Information, and that the

Court accept his plea of guilty conditionally, pending receipt and review of both the PF&R and a Presentence Investigation Report.

Objections to the PF&R were due on November 9, 2015. Neither party has filed objections. Accordingly, following careful review, the Court hereby **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation Concerning Plea of Guilty in Felony Case* (Document 9) and **ORDERS** that the Defendant's plea of guilty be **ACCEPTED**, that acceptance of his plea agreement be **DEFERRED** pending review of the Presentence Investigation Report, and that he be **ADJUDGED GUILTY** of the charges contained in the Information filed against him.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge R. Clarke VanDervort, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: November 16, 2015



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA